

FISCAL NOTE

SB 3593 – HB 3945

February 14, 2008

SUMMARY OF BILL: Amends the open government law by changing the definition of a meeting to be a convening of a governing body in order to make a decision or deliberate toward a decision. Authorizes court to award reasonable attorney's fees to the plaintiff to be levied against the governing body in a case where the plaintiff substantially prevails. Requires the Municipal Technical Advisory Service (MTAS), the County Technical Assistance Service (CTAS), the Tennessee School Board Association, the Utility Management Review Board, and the State Emergency Communications Board to provide training to local government entities regarding the open meetings law. Establishes procedures for executive sessions of governing bodies. Requires proof of notice of public meetings to be maintained for one year in the office that administers the governing body and that such proof be available to the public during normal business hours.

ESTIMATED FISCAL IMPACT:

**Increase State Expenditures - \$2,500/One-Time
\$7,500/Recurring**

Increase Local Expenditures* - Exceeds \$100,000/Recurring

Assumptions:

- State expenditures will increase \$2,500 one-time and \$7,500 recurring for training programs. MTAS and CTAS have already established training programs on open government and will not require additional resources. The Tennessee School Board Association and the State Emergency Communications Board can incorporate open government training into existing training with no significant additional cost. The Utility Management Review Board does not currently have such training in place. The Board estimates a recurring increase in expenditures of \$7,500 for training program travel and materials per year. These programs will be held annually in five locations statewide. The Board estimates a one-time increase in expenditures of \$2,500 for development of the program.
- Local government expenditures will increase as a result of authorizing courts to levy attorney fees against local governments when the

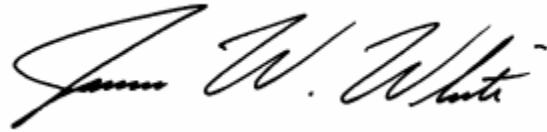
judgment is against them. It is not known how many cases will occur annually.

- Local government expenditures will increase as a result of maintaining proof of public notice.
- An accurate estimate for the increase in local government expenditures is not possible beyond exceeds \$100,000, because the number of cases successfully litigated against local governments and the cost for maintaining proof of public notice is unknown.

**Article II, Section 24 of the Tennessee Constitution provides that: no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James W. White". The signature is fluid and cursive, with the first name "James" written in a smaller, more compact script than the last name "White".

James W. White, Executive Director

/kmc